



# Town of Carlisle

MASSACHUSETTS 01741

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Office of

## PLANNING BOARD

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### Minutes

January 23, 2006

Minutes 1/9/06

Bills

Budget

Town Election/Associate Members

Selection of MAGIC rep.

Annual Town Report

Wireless Bylaw Subcommittee

Development of additional GIS data layers and technical support (Applied Geographics)

Continued Public Hearing on applications for four special permits for a Conservation Cluster, "Greystone Crossing," comprised of 15 building lots and 5 open space parcels within 47.3 acres located on Cross Street and Bingham Road (Map 7, Parcels 35,36,37,38,47 & 59); and three (3) Common Driveways, "Trillium Way," "Captain Wilson Lane," and Greystone Lane, all with access from Cross Street (Request of William Costello, Bingham Road LLC and Carriage Estates Trust)

Request by Carlisle Recreation Commission for informal conceptual discussion of proposed Banta Davis Phase 2 recreation facilities plans, expected to be subject to Site Plan Review under Sec. 7.6 of the Zoning Bylaw.

Request for release of Lot 2A from covenant for Great Brook Estates Definitive Subdivision Plan, 195 Rutland Street (Map 26, Lot 18-1), and status report on completion of subdivision [Request of Ira Gould] CANCELLED

Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for 56 age-restricted, condominium units of attached housing to be known as "Coventry Woods," on Concord Street, northeasterly of 515 Concord Street (Map 8, Parcel 10 – 22.8 acres), 14 units to be designated as affordable housing (Application of Coventry Woods LLC and MCO & Associates, Inc., referred by Board of Appeals)

Discussion of implementation of Affordable Housing Plan, Affordable Accessory Apartment study, Inclusionary Zoning, Smart Growth

Request to place article on Town Meeting warrant to amend Zoning Bylaw to allow Affordable Accessory Apartments

Request for review and comments on draft 2005 Open Space and Recreation Plan [Request of Conservation Commission]

Request for additional consulting engineer's review of Common Driveway Special Permit As-Built Plans for 136-138 East Street, Theodore Treibick, applicant [Request of Fire Department]

**David Freedman** called the meeting to order at 7:34 pm in the Clark Room at Town Hall. Board members **Louise Hara, Peter Stuart, Michael Epstein, Kent Gonzales, Ray Bahr, Brian Larson**, and Planning Administrator **George Mansfield** were present.

Gretchen Caywood, assistant to the Planning Administrator, Allen Deary (1115 North Road), John LaLiberte (125 Craigie Circle), Cindy Nock (41 Canterbury Court), all of RecComm, William Costello, 25 Holdenwood Road, Concord, George Dimakarakos (Stamski and McNary), Bonnie and Gabor Miskolczy (447 Cross Street), Martin Galligan (224 South Street), Mike Paratore (193 Cross Street), and Bob Zielinski, Carlisle Mosquito reporter, were also present.

### Minutes

The PB reviewed the minutes of the 1/09/06 meeting, and one change was suggested. Hara moved to approve the minutes as amended, Bahr seconded and the motion carried 7-0.

### **Town Election/Associate Members**

Freedman ascertained that Larson is still considering whether he will run for the 3-year term of PB membership that is open this May, and that he will inform the PB of his decision well before the March 13<sup>th</sup> caucus. Regarding PB appointments to other boards, Mansfield reported that he had provided the information to the Town Administrator's office, but that it is incompletely noted in the listing of Town Officials. Also, some of the contact information for the PB members is incorrect. Mansfield and his assistant will correct this matter.

### **Continued Public Hearing on applications for four special permits for a Conservation Cluster, "Greystone Crossing," comprised of 15 building lots and 5 open space parcels within 47.3 acres located on Cross Street and Bingham Road (Map 7, Parcels 35,36,37,38,47 & 59); and three (3) Common Driveways, "Trillium Way," "Captain Wilson Lane," and Greystone Lane, all with access from Cross Street (Request of William Costello, Bingham Road LLC and Carriage Estates Trust)**

In attendance at this hearing were William Costello (25 Holdenwood Road, Concord), George Dimakarakos (Stamski and McNary), Bonnie and Gabor Miskolczy (447 Cross Street), Martin Galligan (224 South Street), and Mike Paratore (193 Cross Street)

Freedman opened the public hearing by reading the Legal Notice of Public Hearing that appeared in the January 6<sup>th</sup> and January 13<sup>th</sup> issues of the Carlisle Mosquito. Freedman then explained that a new hearing is being opened for technical reasons, in particular the resignation of a PB member due to his relocation out of Town. He also read aloud the detailed listing of all documents received in the prior public hearing on this application (listing dated January 23, 2006 entitled Greystone Crossing f.k.a. Concord Crossing), which opened on June 13, 2005 and continued on July 18, 2005, August 22, 2005, September 12, 2005, October 24, 2005, November 28, 2005, and December 12, 2005. The Minutes of these Planning Board meetings contain record of all oral testimony at the previous public hearing, and that testimony is incorporated into this hearing.

Freedman pointed out that the Conservation Cluster plan is basically the same as for the prior hearing, and that by the close of this hearing tonight, all PB members will have attended the majority of the hearings on this issue. Mansfield reported that Town Counsel has reviewed and deemed appropriate this hearing process.

Dimakarakos (Stamski and McNary) summarized the few small changes to the plan since the last open hearing on December 12, 2005. They are changes to one detention basin to get the outflow above the one-year storm elevation, changes to the structuring of the maintenance account, and some planting changes in one particular area. He then summarized the application process thus far as follows:

In September of 2004, William Costello spoke with neighbors in the area of interest concerning plans for the property. The overall approach would be to preserve the street scape, to create a walking pathway, and to maintain the buffer areas. Then three alternate plans were prepared. The first was an ANR plan showing 14 lots that would not require a subdivision. The second was a subdivision roadway from Cross Street to Bingham Road including 19 new lots. The third was a Conservation Cluster consisting of 15 lots and several common driveways.

In November of 2004, the PB and the neighbors agreed upon the third plan in concept, and considered that it achieved the goals of neighborhood conservation in the best manner possible.

In May of 2005, Costello submitted an application along with a list of pertinent documents (previously listed by Freedman). In August of 2005, the BOH and ConsComm reviewed the documents and plans. ConsComm had wetland changes, but mainly advised on the arrangement of open spaces and on ownership and maintenance of drainage facilities. The PB had asked for reconfiguration of certain open space parcels, which has been arranged. The Fire Department also requested a change from 2 to 3 cisterns, requesting the placement of the third cistern on Bingham Road.

Three Common Driveways would be created with the plan: Trillium Way, Captain Wilson Lane, and Greystone Lane. During the course of the prior public hearing, several iterations of the cul-de-sac on Captain Wilson Lane were suggested, with the final choice approved by the Fire Department. The PB also asked for a trail easement for an area off Captain Wilson Lane.

The documents allow for the provision of access to open space parcels, and these parcels are deeded to the Town. Concerning three open spaces containing drainage basins, it was decided that these drainage basins would be separated out from the open spaces on the proposed plan, and they would be deeded to the homeowners. Dimakarakos pointed out that the overall plan meets the 30% open space requirement for Conservation Clusters without including these three open space parcels. Epstein verified from Dimakarakos that 30.3% of the land is open space that is deeded to the Town, 31.9% if including the 3 open spaces having detention basins, with approximately 34.5% open space total if the restrictive easement areas (no cutting allowed) with public access rights are included.

Hara verified from Costello that in the future when a homeowner buys one of these properties, there will be a reference to the easements in the documentation. Mansfield verified from Dimakarakos that the standard easements do overlap the restrictive easements. The restrictive easements are within the common driveway access and utility easements, but with no structural features. Also, the drainage is in the access and utility easements.

Dimakarakos stated that there is a proposed foot path easement on Lot 11 and an offsite easement to the south of the site along Cross Street. He added that he and Hara had walked the proposed pathway and agreed to a route. The next step is a Notice of Intent to ConsComm from the Trails Committee (with the costs paid by Costello). The approximate timeframe for this is mid-February. At this point, Hara added that several ConsComm members have already walked the proposed path and many of their concerns have been addressed. Freedman expressed that in his opinion the pathway plan should be reviewed by the Board's consulting engineer (LandTech) for confirmation that we are not overlooking any significant issues, such as drainage. Epstein suggested that the PB should direct LandTech to review the pathway plan for any glaring concerns, as the PB feels that a more detailed civil engineer review is not necessary. Mansfield will have a preliminary discussion with the Mark Sleger about this rough review.

Bonnie Miskolczy (447 Cross Street) asked how the restrictions on cutting vegetation in open spaces will allow dealing with invasive species. Dimakarakos explained that the documentation states that "proper forestry practices" may be used to maintain the area.

Dimakarakos then detailed the current changes to the plan and documentation. For the funding of the maintenance account, a change has been made to allow for two such accounts: one for snow removal and a separate one for maintenance that would be funded as \$500/lot initially and \$400/year/lot on a continuing basis. Dimakarakos added that a comprehensive maintenance document is now with Town Counsel for review. ConsComm was submitted their portion to review on December 15, 2005. Freedman expressed interest in receiving a letter from ConsComm detailing their concerns with these plans and documentation. Mansfield ascertained from Dimakarakos that ConsComm is expected to take action this Thursday on these plans. He added that Town Counsel should also complete his review by the end of January.

Dimakarakos also mentioned that in an area near Greystone Lane, rhododendrons will be planted instead of white pines. Also, in these latest plans dated January 19, 2006, there has been a slight reconfiguration of Lots 4 and 7 to end lot lines at the nearby common driveway. This caused just a slight change to acreage.

At this point, Dimakarakos provided Mansfield with two copies of the draft plans, and pointed out that the restrictive easements with boundaries are shown on these plans.

Freedman explained to those in attendance that there are two areas on the plans where a driveway is closer to the lot line than the required 40-feet, but that there are well-established reasons in each case (proximity to a cul-de-sac and steep slopes in one case, and wetlands proximity in the other) and that there is plenty of natural buffer in one case, and extra border planting will be used in the other case.

Mansfield assured Epstein that Sleger would sign off on the final plans in the form of a statement of changes with a cover letter provided by Dimakarakos.

Freedman inquired as to why there is to be no on site delineation between detention basins that are the homeowner's responsibility and the rest of the open space. Dimakarakos confirmed that there is no delineation in the documents. At this point, Epstein and Freedman expressed concern that the homeowner will not realize when they have reached public open space area when they are performing land maintenance, and this could lead to inadvertent abuse. Hara and Dimakarakos concurred that with the change in vegetation and distinct change in grade at the detention basin boundary that markers were not necessary.

Bonnie Miskolczy reported that the main concern of the Cross Street residents is the additional traffic on a narrow roadway. Freedman reminded the attendees that road design issues are not within the PB purview, and that any issues with the road would need to be addressed with the BOS and DPW. He summarized a discussion of the December 12, 2005 PB meeting, noting that Common Driveway entrance sightlines were improved as much as possible, adding that these plans represent the best practical method for handling traffic in this Conservation Cluster, and is certainly much better than 14 separate driveways emptying onto Cross Street.

Freedman ascertained from Dimakarakos that all reviews (including the traffic study and others) could be complete before the February 27<sup>th</sup> PB meeting, and that Mansfield can have a draft decision ready for that date. At this point, Bahr moved and Hara seconded the continuance of the public hearing on Greystone Crossing to 7:45 pm on February 27<sup>th</sup>, and the motion was approved 7-0.

**Request by Carlisle Recreation Commission for informal conceptual discussion of proposed Banta Davis Phase 2 recreation facilities plans, expected to be subject to Site Plan Review under Sec. 7.6 of the Zoning Bylaw.**

Deary (RecComm) explained that he would present major changes that had been made to the plans since the last discussion with the PB. Deary reported that neither the definitive design nor the traffic study is complete yet.

The three major changes he described are: 1) the footpath is now planned through the entire property, and will be paved, have separate, signed crossings, and be handicap accessible, 2) the parking was designed to be angled, with a capacity of 200 spaces, and 3) a dropoff area has now been added to allow parents to drop kids off and exit without turning around and without having to circumnavigate the entire project.

Concern was expressed that the angled space approach drops 25 potential spaces compared to the last plan. Stuart ascertained from the RecComm representatives that the total parking has more than doubled from the present situation, and the number of fields will have doubled from the present as well. Gonzales expressed interest in a reassessment of angled vs. perpendicular parking by a traffic engineer, as each has pros and cons. Deary pointed out that signs will be used to keep overflow from parking along the road.

Deary stated that RecComm is looking for a recommendation from the PB to the BOS resulting from this site plan review. The PB indicated that they would advise the BOS that there may be a parking problem. Deary agreed to follow up on parking concerns, but reiterated that RecComm feels they will have adequate parking.

Epstein expressed several concerns, including potential traffic backups on Bedford Road, the ratio of number of fields to number of parking spaces (as we cannot offer on-street parking as larger towns can), and suggested traffic attendants during peak times as he has seen in other towns. He also added that there may be additional funds available for this project via Concord – Carlisle youth soccer, for example, and suggested checking with Johanna Hunter, who is in charge of Concord soccer. Deary stated that additional signs along Bedford Road and elsewhere would be used to help prevent illegal parking.

Deary reported that the drainage calculations will be available in about one month. Freedman stated that since there would be no peer review of the drainage calculations, the PB needs the assurance that the drainage is more than adequate to the situation. Hara expressed concerns about drainage from the proposed parking lot, as it appears to be on steeply graded terrain.

Stuart stressed to Deary to make sure that all handicapped requirements are met, and suggested that his engineer double check.

Deary stated that RecComm will return to the PB with drainage and traffic information, and at that time look for the PB's recommendation to the BOS.

When Epstein inquired as to whether a use study had been done on this proposed design, concerning the number of fields, their arrangement, etc., Deary stated that the Committee had done so, comparing possible field types at Banta vs. Foss and Spaulding.

**Request for additional consulting engineer's review of Common Driveway Special Permit As-Built Plans for 136-138 East Street, Theodore Treibick, applicant [Request of Fire Department]**

Mansfield reported that Treibick has been requesting As-Built approval, however there are still several issues with this common driveway.

The T-turnaround at the house was built differently than the plan. This is because the house was constructed in a different orientation on the lot, and therefore the t-turn was reoriented. The Fire Chief has requested that LandTech place turning templates on the plan to assist in interpretation of its suitability. The turnaround as shown on the plan is a condition of the Common Driveway approval.

Mansfield pointed out that LandTech has communicated to the PB that the turnaround is not suitable. If Treibick wants to propose the new location, a request for an amendment to the Special Permit is needed from Treibick. Treibick has indicated that he intends to redo the turnaround to be more like the plan.

Therefore, Freedman asked Mansfield to inform Treibick that the re-configured turnaround must meet all specifications agreed to in the original Special Permit. Freedman requested that Mansfield send a letter to the Fire Chief informing him that Treibick has stated that he will build the turnaround as originally planned so that there is no need for the Land Tech review of the new location, and once complete, the as-built plan can be approved. Mansfield will send the Town Engineer to verify the change. In addition, the PB may need to approve a bond for paving work after a utility pole is removed, but this timing depends on when the utility company can remove the pole.

**Request for review and comments on draft 2005 Open Space and Recreation Plan [Request of Conservation Commission]**

Mansfield distributed the three available copies of the plan, and reported that ConsComm will be seeking a letter of support from the PB. Epstein expressed that all PB members should review the plan in light of this.

**Wireless Bylaw Subcommittee**

Gonzales reported that by the week's end the subcommittee will have the final draft rewrite of the bylaw. They are focusing on cleaning up the bylaw so that it is less "law suit prone". Also, they have added an exception clause to allow monopole-type structures of 60-90-feet within the 900-foot setback. In order to use a 90-foot pole, a detailed justification of the need for the additional height must be provided (for example, if co-locating providers on the pole). However, if certain criteria are met, a 60-foot pole can be placed within the 900-foot setback.

Freedman stated that the subcommittee is working with the understanding that the technology will change, so they are intentionally avoiding overspecificity in the bylaw modifications. Gonzales reported that they are only being specific as to the type of solution considered (monotower and required setback), and assuring that the bylaw will allow service providers equal access to locations.

Larson is preparing a summary of the bylaw amendment process which will be presented to the PB before the BOS views it. Also, Gonzales reported that after the PB review (but before the BOS) they will hold a community forum to discuss the proposed changes as an "administrative review and modernization" of the bylaw. Gonzales also pointed out that in the proposed amended bylaw, they are not targeting specific locations for wireless equipment in town (as with the formerly discussed overlay district approach).

Epstein inquired from Gonzales as to how the subcommittee will garner the support of other boards and committees, and suggested inviting them to a public forum before the Town Meeting with the BOS. He also suggested that this discussion be continued after the PB has reviewed the proposed bylaw changes.

**Review of application to Zoning Board of Appeals for Comprehensive Permit under MGL Chap. 40B for 56 age-restricted, condominium units of attached housing to be known as “Coventry Woods,” on Concord Street, northeasterly of 515 Concord Street (Map 8, Parcel 10 – 22.8 acres), 14 units to be designated as affordable housing (Application of Coventry Woods LLC and MCO & Associates, Inc., referred by Board of Appeals)**

Freedman reported that the next ZBA hearing of the 40B is on January 30<sup>th</sup>, and ascertained that Stuart will attend on behalf of the PB.

**Selection of MAGIC representative**

Freedman offered to attend the housing-related meetings of this organization that are pertinent to Carlisle. Therefore, Larson moved to recommend to the BOS that Freedman be the PB representative to MAGIC. Epstein seconded, and the motion was approved 6-0-1, with Freedman abstaining.

Freedman also requested that Mansfield correct the PB member contact information on the Town Officials list, and complete and update the list of PB liaisons as well.

**Request to place article on Town Meeting warrant to amend Zoning Bylaw to allow Affordable Accessory Apartments**

Freedman pointed out that consulting services on the Affordable Accessory Apartment bylaw were financed at \$10,000 by CPA funds. He reported that the bylaw committee is working toward an amendment that only makes changes for affordable apartments and leaves the original accessory apartment conditions the same.

Freedman pointed out that significant incentives are likely needed to encourage homeowners to be willing to deed restrict their apartment property for affordable housing. He reported that the committee is considering these incentives: 1) providing up to \$5,000 toward any necessary changes to the apartment and 2) \$10,000 at \$2000/year for 5 years for every year that the apartment meets all requirements of the bylaw. Freedman noted that the Committee would request \$90,000 from the CPC to fund up to 6 of these apartments. He noted that there will be other issues for the property owner when CPC funds are used. When the property is sold, there is apparently a requirement to pay back the CPC funds, since CPC funds are given in perpetuity for deed restricted properties.

Freedman suggested that none of the PB-reporting requirements be changed for the applicants (i.e. appearing before the PB), but that a greater apartment area be allowed for deed restricted apartments (up to 49.9% instead of 35% max), as long as the total area is less than or equal to 1200 square feet. Also, apartments in detached buildings could be allowed in the deed restricted case, even building a new structure if it meets all requirements.

Epstein ascertained from Freedman that the apartments would be certified on an annual basis, providing documentation that the tenant is within the 80% income limit, and providing tax returns. When Epstein asked when the \$90,000 could be reallocated if the affordable apartment approach does not prove successful, Freedman stated that it would revert to the CPA fund balance after 2 years if not used. He added that the state DHCD has not yet ruled on similar bylaws.

**Open Space Residential Development – New Concepts**

Freedman and Mansfield recently attended a MAGIC meeting where one of the Smart Growth Tool Kit concepts was discussed, OSRD (Open Space Residential Development). Freedman expressed that it may be possible to connect this concept with affordable housing. For example, if a 50% open space on a 20-acre parcel is set aside, one could have 10 one-acre lots, including some that are for affordable housing, perhaps by having two units as

two-family dwellings. In this new concept, the Town first decides where the open space is on the property in question.. He also reported that the DEP is apparently about to release new regulations that will allow shared septic for adjacent lots.

Freedman proposed that Mansfield request a meeting with the BOH and ConsComm to discuss this concept, using the OSRD model bylaw (from the MA Smart Growth toolkit). Epstein expressed concern about involving other boards before the PB has something more specific to propose.

Freedman reported that he, Louise and George will meet with land use attorney and affordable housing specialist, Edith Netter on February 6 regarding inclusionary zoning and its feasibility for Carlisle. She will meet with the PB in the near future to discuss her suggestions.

Epstein moved to approve the utilization of up to \$2000 for up to 10 hours of consulting time at \$200/hour with Edith Netter to develop priorities for implementation of the proposed zoning changes anticipated in the Affordable Housing Plan. Hara seconded the motion, and it passed 7-0.

Hara moved and Stuart seconded the adjournment of the PB meeting, and the PB voted 7-0 to adjourn at 11:05 pm.

Respectfully submitted,

Gretchen Caywood,  
Planning Board Administrative Assistant